

PATENT
674523-2011

REMARKS

Reconsideration and withdrawal of the rejections of this application are requested in view of the amendments and following remarks, which are believed to place the application in condition for allowance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 1-6, 9, 10, 13 and 16-21 are pending in this application. Claim 13 is amended and withdrawn claims 11, 12, 14 and 15 are cancelled. Support for the amendment is found throughout the specification, and in particular, on page 5, line 16. No new matter is added.

It is submitted that these claims are patentably distinct from the prior art, and that these claims are in full compliance with the requirements of 35 U.S.C. §112. The amendments of the claims herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §§§§101, 102, 103 or 112; but rather, the amendments are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Furthermore, it is explicitly stated that the herewith amendments should not give rise to any estoppel, as the herewith amendments are not narrowing amendments.

II. THE REJECTION UNDER 35 U.S.C. §112, 1ST PARAGRAPH, IS OVERCOME

Claim 13 was rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement. The rejection is traversed.

The Office Action alleges that the claimed invention is enabled only for a producing a pharmaceutical composition comprising an infectious retrovirus that is attenuated, in that non-attenuated retroviruses have not been demonstrated to have a therapeutic effect *in vivo*. Claim 13 has been amended to clarify that the infectious retrovirus of the pharmaceutical composition is replication-defective (*i.e.* “attenuated”), rendering it unable to reproduce its genome in a host. The specification teaches how to make replication-defective retroviral vectors, clearly enabling the skilled artisan to do so.

Consequently, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph are requested.

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CONCLUSION

In view of these amendments and remarks herewith, the application is believed to be in condition for allowance. Early and favorable reconsideration of the application, reconsideration and withdrawal of the rejections, and prompt issuance of a Notice of Allowance are earnestly solicited. The Commissioner is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,
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